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FRIENDS OF RUDIO MOUNTAIN, INCORPORATED  
58166 N.W. WILSON RIVER HIGHWAY  
FOREST GROVE, OREGON 97116  
PHONE: (503) 359-4098

October 22, 2007

Bureau Of Land Management  
Western Oregon Plan Revisions  
P.O. Box 2965  
Portland, Oregon 97208

By Fax: (503) 808-6390  
& Certified Mail

Certified Mail Receipt Number: 7006 0100 0007 0584 6431

**PUBLIC COMMENTS REGARDING THE DRAFT ENVIRONMENTAL STATEMENT  
FOR THE REVISION OF THE RESOURCE MANAGEMENT PLANS  
OF THE WESTERN OREGON BUREAU OF LAND MANAGEMENT DISTRICTS**

**WE SUPPORT THE NO ACTION ALTERNATIVE FOR THIS PLANNING PROCESS**

Bureau Of Land Management:

Let this serve as a portion of our public comments and concerns regarding proposed management plans outlined in the Draft Environmental Statement for The Western Oregon Plan Revisions. We support the NO ACTION ALTERNATIVE for many reasons some of which are outlined in this public comment.

Our organization has participated in this planning process to make the BLM aware of public access needs among other things. We truly admire and have deep respect for our public lands. A few of our deepest concerns are retaining and acquiring legal public access to BLM administered lands and keeping public lands open to OHV use. We would be opposed if there are intentions to close or gate access roads, close public lands to off highway vehicle use or if additional restrictions are placed on the public land user or on any public lands.

Public land belongs to all of us and we believe that when you own property you should be able to access that property for any reason that you choose not just to harvest timber. Most people want to access their public land for recreational opportunities. They should not be denied that right unless it is an area of critical concern.

The Bureau Of Land Management should manage public lands in a manner that allows legal access for the public to all lands administered by the BLM regardless of their size or seclusion. If the BLM can use the road for management purposes the public should be allowed to use the road to get to public lands. We hereby request that the BLM use whatever means is possible to provide the public land user with legal access to all public lands during this planning process.

We know there are thousands of Right Of Way Agreements secured by the BLM that guarantee legal access for the public. Each and every one of those agreements need to be retained, protected or improved upon during this planning process. There are many areas in which the general public has gained prescriptive use easements created by the open, continuous and unobstructed use of certain roads and trails for a period of 10 years or more. We want the BLM to include all prescriptive use easements as legal public access routes during this planning process.

All O. & C. lands already have regulations in place at 43 CFR 2812.6-2 that would allow for public access to all of these areas. These regulations need to be activated by the Secretary Of The Interior. At 43 CFR 2802.2-1 part (b) it states that "Applications for cost share roads shall be filed pursuant to 43 CFR 2812" and at 43 CFR 2812.6-2 "Terms and Conditions of Permit" it clearly states that the Secretary Of The Interior can enhance or add additional regulations to the Reciprocal Agreement and the permittee must abide and comply with these new regulations. It also clearly indicates that if the permittee disagrees and does not abide by the new regulations that the United States may institute judicial proceedings to enforce the regulations. These rules clearly speak for themselves and they are set forth for the purpose of protecting access rights for hunters, fisherman and other recreationalists to lands of the United States in the O. & C. area which are suitable for such recreational purposes.

Reciprocal Right Of Way Agreements contain language that is broad enough to give legal access to the general public. Reciprocal Agreements are administered under 43 CFR Subparts 2800 through 2812.9. These Agreements include language that grants a right-of-way across all land involved in the agreement to the United States and its Licensees and Permittees.

We have a letter from a BLM State Director that clearly states "The general public would be able to use these easements to get to BLM administered land so long as they are BLM's Licensees and Permittees." The Courts have found that the language Licensees and Permittees is broad enough to include the general public - please reference Federal District Court Case No: CV-97-889-HU. The BLM State Office has Solicitor Opinions that clearly state the same thing. It is crystal clear that the

public has the lawful right to use these roads as Licensees and Permittees. The BLM needs to exercise these rights for the public. We request that the BLM incorporate and activate these lawful rights for the public into any decision made for this planning process.

**ALL LEGAL ISSUES OUTLINED IN THIS COMMENT NEED TO BE CLEARLY ADDRESSED IN ANY DECISION MADE FOR THIS PLANNING PROCESS.**

We want all public lands to remain open to OHV use unless it is an area of critical concern. If certain areas sustain damage the BLM has the authority to place restrictions on those areas. The more land that is left open for OHV use reduces overcrowding and reduces the chance of land damage due to less activity on any one parcel. Closing public lands to OHV use would deprive disabled and elderly people from accessing some of these lands.

The Bureau Of Land Management needs to pay attention to the fact that the Federal Land Policy And Management Act provides guidance to the BLM in deciding among the variety of potential uses for public land and that the Act advises that public domain lands and their various resource values be managed so that they are utilized in the combination that will best meet the present and future needs of the American People. At the present time and in the future one of the greatest needs of the American People is more public land for recreation purposes and legal access to that land.

The Bureau Of Land Management needs to review nominations for new and additional recreation areas and desired public access routes to and across public lands presently managed by the BLM.

The Bureau Of Land Management can contribute to the economy of communities by providing legal access, removing gates and opening all public lands to the general public. Recreation opportunities attract millions of people each year to depressed communities. Hunters and campers are a number one source of revenue for these communities.

We want the Bureau Of Land Management to retain all public lands presently administered by them. We do not want any of these lands offered for disposal even if they are small, secluded and scattered. We want the BLM to manage the lands that are presently in its inventory. Preparing for land exchanges is extremely costly and the BLM should instead use that money to maintain the public lands presently in its inventory and to secure legal public access to all public lands to improve recreation opportunities for the public land user.

Recreation and legal public access should be considered as two of the most important goals in this planning process. Recreation utilizes public land better than any other activity. The desire

for recreation is greater than any other demand for use of public land. Recreation areas and opportunities should not be restricted by the BLM. The public needs unlimited recreation opportunities.

Overcrowded areas are a huge problem for all public land users including hunters and campers. Overcrowding deprives the public land user of a sense of well being. This problem would not exist if we had legal public access to all public lands. Many sought after areas of public land are lacking public access. There are presently thousands of acres of desirable public lands that are landlocked to the public as they have no public access. We want to see roads opened to the public so they can utilize these landlocked public lands. The BLM needs to address these problems in any decision that is made for this planning process.

Blocked and gated public access roads and trails are a huge problem for the public land user. The public feels violated and robbed when they come face to face with a locked gate that stands between them and 10,000 acres of their own public land. Intimidating No Trespassing Signs are like looking down the barrel of a loaded gun. The public becomes angry when they realize that a few select people have keys for the locked gates and those people are reaping great opportunities behind the locked gates on their privatized public lands. The BLM should be managing our public lands for all of the American People not just for a select few. The BLM needs to use this planning process to make things right for all of the American People.

We want all existing and future roads to have legal access for the general public. We do not want to see any roads that go to public land decommissioned, closed or gated by the Bureau Of Land Management or anyone else. Many of these roads were built with public funds and these roads belong to the public. The public wishes to use all of the roads to access public lands.

All Valid Existing Rights need to be retained and protected in any decision that is made for this planning process. This should include but is not limited to all easements and reciprocal right of way agreements secured by the Bureau Of Land Management, all rights for the public and all Prescriptive Use Rights on roads and trails secured by the general public or the BLM.

F.O.R.M. is a Non-Profit Public Benefit Corporation registered in the State of Oregon. We work for the public interest. Please remember that we represent ALL PUBLIC LAND USERS. We hereby reserve the right to submit individual comment letters.

Please place this comment letter in the public comment file for The Western Oregon Plan Revisions to be made available for public review in its entirety. By reference we hereby incorporate this comment letter to any other comment letter submitted by us or our supporters regarding The Western Oregon Plan Revisions.

We hereby request that you keep us informed and updated as to all decisions or actions that take place regarding this matter.

Our Fax Report and Certified Mail Receipt No: 7006 0100 0007 0584 6431 will serve as proof of service upon you on or before the public comment due date of November 9, 2007.

We hereby request that our concerns and the comments that we have provided be addressed and considered in developing a management plan for The Western Oregon Plan Revisions. We wish to be involved in the planning process from beginning to end. Additional concerns may be submitted at a later time.

Thank you for your consideration of our concerns.

very truly yours,

*Kathleen Kidwell*

Kathleen Kidwell, For  
Friends Of Rudio Mountain, Inc.

cc Other Interested Parties